REMARKS

Reconsideration of the application is earnestly requested.

Applicant respectfully submits that the above amendments to the specification and the claims address the Examiner's objections. The amendment to the specification is supported in the provisional application noted in the previous Reply.

Rejection under 35 USC §112 First Paragraph

The Office action has rejected all pending claims under the first paragraph of §112 in that none of the subject matter of these claims has been described in the specification. Basically, the Office action is taking a broad brush and stating that nothing that is currently claimed has written description support. Applicant objects to this broad approach and submits that the currently pending claims are supported, and that it is not possible to provide a meaningful response to this rejection when the rejection itself is not specific as to precisely what is not supported in the specification.

Nevertheless, Applicant points out the following. Claims 1-54 were present in the application as filed (albeit some claims in a shortened form); therefore, at the very least, these claims are inherently supported because they were present in the application is filed. Further, as claims were amended in the various responses, Applicant pointed out where support in the Specification existed. In addition, Figure 1 shows the presenter computer, the trusted party computer, the acceptor computer, and the various messages being sent back and forth between these computers. Thus, the method steps performed by these computers are disclosed in this figure. Further, Figure 2 is a flow diagram describing the steps performed by these computers. The method steps performed in this flow diagram by the various computers are described in detail beginning on page 10 through page 15.

The Office action at page 9 indicates that the various "receiving" steps performed by the trusted party computer are not supported in the specification, nor is the authenticating. Applicant points out that Figure 1 shows messages 6 and 7 being received at the trusted party computer. Figure 2 shows in steps 606 and 608 that the trusted party performs authentication. Pages 8-15 present a great level of detail as to the functionality and messages passed between the trusted

party and the other entities. In some places the Specification refers to the "trusted party" and in other places it refers to the access control server or "ACS" of the trusted party. Regarding the "authenticating" questioned by the Office action, the paragraph spanning pages 12 and 13, and the bulk of page 13 discuss authentication performed by the trusted party computer.

Applicant submits that the steps and features of these claims are supported in the Specification and cannot provide a more detailed response to the rejection until the rejection itself is more specific.

Rejection under 35 USC §112 Second Paragraph

Claims 1 and 37 have been amended in the preamble to make clear that the method refers both to enrolling the user during the enrollment process and also to authenticating the user during an online transaction.

Regarding claims 25 and 52, Applicant submits that as these are system claims, it is not appropriate to amend them to require both an enrollment process and an authentication process. Applicant points out that these claims already make clear that each claimed system is configured to perform certain functions during enrollment and to perform other functions during authentication. Therefore, these systems claims are not confusing and Applicant submits that no further amendments are necessary.

Rejection under 35 USC §102 Second Paragraph

Claims 1 and 25

The Office action has rejected all claims under §102(e) as being anticipated by *Dominguez et al.* (US 2003/0200184). Although the Examiner's arguments have been carefully considered, Applicant respectfully traverses this rejection as explained below.

Applicant notes that while Figure 8 of *Dominguez* does show three parties (an issuer, a cardholder and a merchant), *Dominguez* does not disclose either validating submitted profile data of a presenter (claim 1) nor providing profile data of the presenter during an online transaction (claim 37). *Dominguez* is concerned with, and discloses, authenticating a user during an online transaction who is using a mobile device, not the manipulation of user profile data.

The fourth step of claim 1 now requires:

said submitted profile data being sent to said trusted party computer from said acceptor via a computer of said presenter.

This limitation is supported in Figure 1 which shows the data authentication request message (5) being routed via the presenter computer, and at page 12, fourth paragraph, which discloses that the data authentication request message includes the submitted profile data. The Office action relies upon steps 2 and 3 of Figure 8 and paragraphs 111-118 of *Dominguez* as showing profile data (namely, the primary account number) being sent from the merchant to the access control computer. But, this information is not being routed via the presenter computer as is required by claim 1. The advantage of claim 1 is that a separate connection need not be maintained and that the profile data can be sent along with the authentication request.

Because claim 1 is not anticipated by *Dominguez* it is requested that the rejection under §102 to be withdrawn. A rejection under §103 using *Dominguez* is not appropriate because under §103(c), the subject matter of *Dominguez* and the claimed invention were, at the time the claimed invention was made, subject to an obligation of assignment to the same person.

System claim 25 includes limitations similar to claim 1 and is believed patentable for the same reasons.

Claims 37 and 52

Claim 37 requires a fourth step of the acceptor querying the trusted party to provide the profile data to the acceptor. The Office action does not allege that this step is present in *Dominguez*, and Applicant submits that this step is not present in *Dominguez*. While steps 6 and 7 of Figure 8 of *Dominguez* might disclose the merchant requesting authentication of a cardholder, *Dominguez* does not disclose that the merchant queries the trusted party to provide profile data.
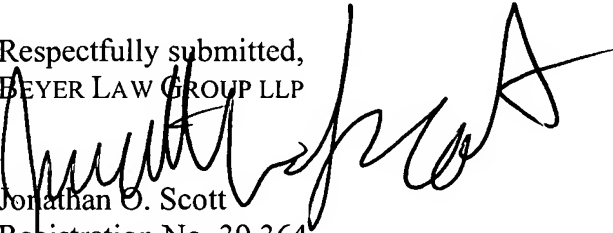
The seventh step of claim 37 requires that the trusted party provides profile data of the presenter to the acceptor. The Office action does not allege that this step is present in *Dominguez*, and Applicant submits that this step is not present in *Dominguez*. While steps 9 and 10 of Figure 8 of *Dominguez* might disclose that the access control computer provides an authentication result to the merchant, *Dominguez* does not disclose that the access control computer provides profile data of a cardholder to the merchant.

Because claim 37 is not anticipated by *Dominguez* it is requested that the rejection under §102 to be withdrawn. A rejection under §103 using *Dominguez* is not appropriate because under §103(c), the subject matter of *Dominguez* and the claimed invention were, at the time the claimed invention was made, subject to an obligation of assignment to the same person.

System claim 52 includes limitations similar to claim 37 and is believed patentable for the same reasons.

Reconsideration of this application and issuance of a Notice of Allowance at an early date are respectfully requested. If the Examiner believes a telephone conference would in any way expedite prosecution, please do not hesitate to telephone the undersigned at (612) 252-3330.

Respectfully submitted,
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